

a reflection preventing film formed on a back or surface of said shade pattern,  
wherein the surface of said shade pattern is planarized by a chemical and mechanical  
polishing thereon.

*D1*  
*cont.* 2. (Amended) A photomask comprising:

*SUB C1*  
a transparent substrate;  
a shade pattern formed selectively on a main surface of said transparent substrate;  
and  
*E*  
a phase shift pattern selectively formed on said shade pattern and said transparent  
substrate,  
wherein a surface of said phase shift pattern is planarized by a chemical and  
mechanical polishing.

*SUB C2* 5. (Amended) A photomask comprising:

*D2*  
a transparent substrate;  
a hollow section formed on a main surface of said transparent substrate;  
a shade pattern formed in said hollow section;  
a phase shift pattern selectively formed on said transparent substrate and said shade  
pattern,

D2  
cont.

wherein a thickness of an end section of said phase shift pattern in contact with said transparent substrate gradually decreases, the gradual decrease formed by chemical and mechanical polishing.

D3  
  
7. (Amended) A photomask comprising:

a transparent substrate;  
a hollow section formed on a main surface of said transparent substrate;  
a shade pattern formed in said hollow section; and  
a phase shift pattern formed by selectively etching said transparent substrate.

D3  
8. (Amended) A photomask according to claim 7, wherein an end section of said phase shift pattern that is in contact with said transparent substrate has a sloped shape that gradually decreases.

13. (Amended) A photomask according to claim 2, further including a halftone phase shift pattern with a shade pattern.

D4  
14. (Amended) A photomask according to claim 2, wherein said phase shift pattern has a shade pattern formed with a phase shifter.

15. (Amended) A photomask according to claim 2, further including an intermediate type phase shift pattern.

16. (Amended) A photomask fabrication method at least comprising the steps of:

forming a resist on a transparent substrate;

forming a pattern by selectively exposing and developing said resist by using a radiation ray;

selectively etching said transparent substrate by using said resist as a mask;

eliminating said resist;

forming a first reflection preventing film on said transparent substrate which is selectively etched;

forming a shade film on said first reflection preventing film;

performing a chemical and mechanical polishing for said shade film; and

forming a second reflection preventing film.

D4  
Cont.  
17. (Amended) A photomask fabrication method at least comprising the steps of:

forming a resist on a shade film on a transparent substrate;

forming a pattern by selectively exposing and developing said resist by using a radiation ray;

selectively etching said shade film using said resist as a mask;  
eliminating said resist;  
forming a phase shift film on said shade film which is selectively etched;  
selectively etching said phase shift film; and  
performing a chemical and mechanical polishing after selectively etching of said  
phase shift film.

*DA  
cont.*

18. (Amended) A photomask fabrication method according to claim 17, after  
the step of forming said phase shift pattern, further comprises the step of:  
performing a chemical and mechanical polishing.

19. (Amended) A photomask fabrication method according to claim 17, after  
the step of eliminating said resist, further comprises the steps of:  
forming a second resist film on said shade film which is selectively etched;  
selectively etching said second resist film to form a second resist pattern;  
selectively etching said transparent substrate by using said second resist pattern as a  
mask;  
eliminating said second resist pattern; and  
performing said chemical and mechanical polishing.

20. A photomask fabrication method at least comprising the steps of:

forming a resist on a transparent substrate;  
forming a pattern by selectively exposing and developing said resist by using a radiation ray;  
selectively etching said transparent substrate by using said resist as a mask;  
eliminating said resist;  
*D4*  
*Cont.* forming a shade film on said transparent substrate which is selectively etched;  
performing a chemical and mechanical polishing for said shade film;  
forming a phase shift film on said shade film;  
selectively etching said phase shift film; and  
performing a chemical and mechanical polishing.

22. (Amended) A photomask fabrication method at least comprising the steps of:  
forming a resist on a transparent substrate;  
forming a pattern by selectively exposing and developing said resist by using a radiation ray;  
selectively etching said transparent substrate by using said resist as a mask;  
eliminating said resist;  
*D5* forming a shade film on said transparent substrate which is selectively etched;  
performing a chemical and mechanical polishing for said shade film;  
forming a resist film on said shade film;

selectively etching said resist film; and  
selectively etching said transparent substrate.

D5 Sub 4  
Cont.

23. (Amended) A photomask fabrication method according to claim 22, after  
the step of selectively etching said transparent substrate, further comprises the step of:  
performing said chemical and mechanical polishing for a phase shift pattern formed  
by selectively etching said transparent substrate.

29. (New) A photomask according to claim 3, wherein said phase shift pattern  
includes a phase shift pattern formed every other opening on the photomask.

30. (New) A photomask according to claim 4, wherein said phase shift pattern  
includes a phase shift pattern formed every other opening on the photomask.

D6 Sub 5

31. (New) A photomask according to claim 5, wherein said phase shift pattern  
includes a phase shift pattern formed every other opening on the photomask.

32. (New) A photomask according to claim 7, wherein said phase shift pattern  
includes a phase shift pattern formed every other opening on the photomask.

33. (New) A photomask according to claim 8, wherein said phase shift pattern includes a phase shift pattern formed every other opening on the photomask.

34. (New) A photomask according to claim 3, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

35. (New) A photomask according to claim 4, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

*D  
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sub  
ee* 36. (New) A photomask according to claim 5, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

*E*  
37. (New) A photomask according to claim 7, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

38. (New) A photomask according to claim 8, wherein said phase shift pattern includes a phase shift pattern having an auxiliary opening with a shifter which is not resolved adjacent to a main opening.

39. (New) A photomask according to claim 7, wherein said phase shift pattern includes a phase shift pattern formed at an edge of a main opening.

40. (New) A photomask according to claim 7, wherein said phase shift pattern includes a phase shift pattern having a mask pattern formed with a half tone film having a low transmissivity in reverse phase.

D6  
cont'd 41. (New) A photomask according to claim 7, further including a halftone phase shift pattern with a shade pattern.

42. (New) A photomask according to claim 7, wherein said phase shift pattern has a shade pattern formed with a phase shifter.

43. (New) A photomask according to claim 7, further including an intermediate type phase shift pattern.

44. (New) A photomask fabrication method according to claim 17, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.

45. (New) A photomask fabrication method according to claim 18, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.

46. (New) A photomask fabrication method according to claim 19, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.

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cont

47. (New) A photomask fabrication method according to claim 20, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.

48. (New) A photomask ~~fabrication~~ method according to claim 22, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.

D6  
cunj. 49. (New) A photomask fabrication method according to claim 23, wherein one of an electron beam, a laser beam, and a monochromatic beam is used as said radiation ray.